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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Buckeye, Arizona).

MM Docket No.
RM-

To: Chief, Policy and Rules Division,
Mass Media Bureau

PETITION FOR RULE MAKING
AND
ORDER TO SHOW CAUSE

Mobley Broadcasting, Inc. ("Mobley"), by its attorneys, hereby requests that the Commission institute a Notice of Proposed Rule Making to substitute FM Channel 295C2 for Channel 295A at Buckeye, Arizona. Petitioner further requests that in order to effectuate this change in the FM allocation table, the Commission propose the entry of a show cause order to Mobley as to why it should not be required to modify its authorized facilities to specify operation on Channel 295C2 at Buckeye, Arizona. In support whereof, the following is shown:

1. Mobley is the licensee of Radio Station KMJK, Buckeye, Arizona. It is in operation on Channel 295A.

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2. As demonstrated by the attached engineering statement prepared by Klein Broadcast Engineering, Channel 295C2 can be allotted to Buckeye, Arizona in accordance with the Commission's spacing requirements with a site restriction.

3. Mobley believes that it can find a suitable site within the area restricted for the requested allocation if the Commission acts favorably on this request. Mobley will promptly apply for and construct upgraded facilities on the proposed channel.

4. The proposed channel allotment in Buckeye, Arizona would substantially expand the coverage of Mobley's facilities to areas not now expected to receive its signal. This request clearly is in the public interest and will provide for a more efficient use of the spectrum.


5. Mobley further requests that its authorization be modified to specify operation on Channel 295C2. This request is made in accordance with the Commission's Report and Order in MM Docket No. 85-313, FCC 86-181, released April 29, 1986.

6. As permitted by Section 1.401(d) of the Rules, a draft Notice of Proposed Rule Making is attached hereto.

WHEREFORE, it is respectfully requested that the Commission institute a Rule Making proceeding proposing the amendment of the FM Table of Allotments in Section 73.202(b) of the Rules, and an Order to Show Cause to modify the station authorizations as set forth herein.

Respectfully submitted,

MOBLEY BROADCASTING, INC.

By: 
Philip L. Malet
STEPTOE & JOHNSON
1330 Connecticut Avenue., N.W.
Washington, D.C. 20036
(202) 429-6239

Its Attorneys

March 18, 1993

***KLEIN
BROADCAST
ENGINEERING***

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ENGINEERING EXHIBIT

IN SUPPORT OF PETITION

FOR RULE MAKING / CHANNEL 295C2

PREPARED FOR

***MOBLEY BROADCASTING, INC.
BUCKEYE , ARIZONA***

MARCH 1993

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MARCH 1993

ENGINEERING EXHIBIT IN SUPPORT OF PETITION FOR PROPOSED RULE MAKING

MOBLEY BROADCASTING, INC.

**PROPOSED FM CHANNEL 295 C2
BUCKEYE , ARIZONA**

INTRODUCTION and ENGINEERING STATEMENT

The petitioner, Mobley Broadcasting, Inc., has retained the firm of Klein Broadcast Engineering to prepare the required engineering exhibits in support of its Petition for Proposed Rule Making. The petition proposes to amend the FM Table of FM Channel Allotments, Section 73.202 of the Rules and Regulations of the Federal Communications Commission, as follows:

Present FM Channel 295 A / Buckeye, Arizona

Proposed FM Channel 295 C2 / Buckeye, Arizona

Through this engineering exhibit, the petitioner demonstrates compliance of the Proposed FM Channel Class upgrade to FM Channel 295 Class C2, with Section 73.207 of the Rules and Regulations of the Federal Communications Commission as amended to date. The proposed FM Channel upgraded allotment was based on the reference geographic coordinates for the Community of Buckeye, Arizona and are listed as:

NL: 33 - 22 - 18

WL: 112 - 35 - 12

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INTRODUCTION and ENGINEERING STATEMENT cont'd page two:

MOBLEY BROADCASTING, INC.
BUCKEYE , ARIZONA

The actual proposed transmitter site and allocation coordinates for the location of the proposed Class C2 FM Channel 295 transmission facility and allocation coordinates are listed as:

NL: 33 - 21 - 03
WL:112 - 52 - 41

The petition proposes to delete FM Channel 295 A and substitute FM Channel 295 C2. The petitioner is also the licensee of KMJK (FM) at Buckeye, Arizona. KMJK (FM) presently operates on FM Channel 295 A. The petitioner requests the Commission specify operation of KMJK (FM) on the proposed FM Channel 295 C2, at Buckeye, Arizona. This allocation may be made in compliance with Section 73.207 of the Commission's Rules with the use of a site restriction of 27.22 kilometers West South West of the reference coordinates of the principal community of Buckeye, Arizona. The site restricted coordinates are listed above. Exhibit E-1 is an FM spacing study run from coordinates generated, located 27.22 kilometers West South West of Buckeye, Arizona.

The site restricted location is 27.22 kilometers West South West of the principal community of Buckeye, Arizona. Using maximum Class C2 facilities, 50 kilowatts E.R.P. at 150 meters height above average terrain, the City Grade Contour (70dBu/3.16mV/M) would extend at least 32.8 kilometers toward the principal community, Buckeye, Arizona. Therefore 70 dBu coverage would exist over the entire principal community of Buckeye, Arizona and would be in compliance with Section 73.315 of the Commission's Rules as amended to date.

In addition the requested upgrade and amendment to the KMJK license may be accomplished without further coordination with Mexico. When KMJK upgraded to a 6 kilowatt Class "A" station on FM Channel 295, at Buckeye, Arizona, coordination for the Channel 295 upgrade to a 6 kilowatt Class A was accomplished and cleared Mexico as a full U.S. Class "B". Since U.S. Class "B" and U.S. Class "C2" facilities are technically the same, further Mexican coordination should not be required besides notification of a change in reference coordinates for the FM Channel 295 Class C2 allocation.

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INTRODUCTION and ENGINEERING STATEMENT cont'd page three:

MOBLEY BROADCASTING, INC.
BUCKEYE , ARIZONA

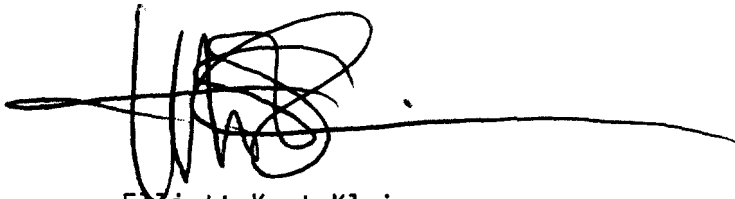
The land area within the 60 dBu contour of the petitioner's Class A facility for KMJK (FM) is 2873.5 square kilometers. The land area to be served within the proposed upgraded Class C2 facility would be 8560.3 square kilometers. This is an increase of almost three times the present area within the 60 dBu contour of the present Class A facility for KMJK (FM) and would provide Buckeye, Arizona with its First Wide Area FM Service.

The petitioner, Mobley Broadcasting, Inc., has provided the Commission with an FM spacing study to show the upgrade to FM Channel 295 C2 may be accomplished in full compliance with Section 73.207 of the Commission's Rules, from the site restricted location specified herein, using the site restricted coordinates.

Therefore, the petitioner, Mobley Broadcasting, Inc., requests the Commission consider and GRANT this petition for proposed rule making for the requested amendment of the FM Table of Allotments, Section 73.202 of the Commission's Rules as specified herein, to reflect the upgrade of KMJK (FM) for Class C2 operation on FM Channel 295 C2 at Buckeye, Arizona.

The petitioner, promises the Commission, that if this Proposed Rule Making Petition is granted for the requested FM channel upgrade, Mobley Broadcasting, Inc., will file a minor change application on FCC Form 301, to modify its presently valid FCC FM Broadcast Station License for KMJK(FM), for the FM Class C2 facilities requested herein, within 90 days of the final action of the Commission granting this Petition for Proposed Rule Making.

Respectfully submitted,



Elliott Kurt Klein,
Consulting Broadcast Engineer

16 March 1993

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MOBLEY BROADCASTING, INC.

EXHIBIT E-1

FCC FM SPACING STUDY for CLASS C2 UPGRADE
FM CHANNEL 295
BUCKEYE , ARIZONA

(using site restricted coordinates as specified)

(follows this page)

Klein Broadcast Engineering
Paradise Valley, Arizona

March 15, 1993

FM Spacing study

Title: MOBLEY BROADCASTING, INC. / 295C2
Channel 295C2 (106.9 MHz)
Database: FCC 01/26/93

Latitude: 33-21-03
Longitude: 112-52-41
Safety zone: 65 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KLPX	CP	Arizona Lotus Corporatio	241C	100	32-14-56	126.2	205.3	35
Tucson	AZ	BPH-870227NX	96.1	595BT	111-06-59	307.1	170.3	CLEAR
PRM	ADD	David A. Petrick	242A		34-34-52	347.7	139.7	15
Bagdad	AZ		96.3		113-12-14	167.5	124.7	CLEAR
Alternate consideration in MM Doc. 92-48								
ALLOC			292A		33-36-05	62.7	61.16	55
Sun City	AZ		106.3		112-17-31	243.0	6.157	CLOSE
Coordinates updated from LIC record BLH851218KB								
PRM	DEL	Resource Media, Inc.	292A		33-36-05	62.7	61.16	55
Sun City	AZ	DOC-92-66	106.3		112-17-31	243.0	6.157	CLOSE
Proposed to Mexico as B 920324; PRM								
KDNC-FM LIC	KLFF-FM, Inc.		292A	2.50	33-36-05	62.7	61.16	55
Sun City	AZ	BLH-851218KB	106.3	99	112-17-31	243.0	6.157	CLOSE
PRM	ADD	Resource Media, Inc.	292C2		33-58-30	35.7	85.58	58
Sun City	AZ	DOC-92-66	106.3		112-20-08	216.0	27.58	CLEAR
Proposed to Mexico as B 920324; PRM-Site restricted 42.3 km North								
KRLV	LIC	Wescom of Nevada, Inc.	293C	100	36-00-30	327.2	353.4	105
Las Vegas	NV	BLH-870827KC	106.5	352	115-00-20	146.0	248.4	CLEAR
KIHX-FM CP	Prescott Valley B/Castin		294C2	3.70	34-29-25	14.0	130.3	130
Prescott Valley	AZ	BPH-910219IB	106.7	493	112-32-00	194.2	.343	CLOSE
From channel 292A per D88-597								
ALLOC			294C2		34-29-25	14.0	130.3	130
Prescott Valley	AZ	DOC-88-597	106.7		112-32-00	194.2	.343	CLOSE
Site Restricted-Effective 7-23-90-Rsvd for KIHXXFM, per D88-597								
ALLOC			295A		33-22-18	85.0	27.22	166
Buckeye	AZ	DOC-84-231	106.9		112-35-12	265.2	-139	SHORT
Filing window 06/17-07/28/88 **CLOSED** ; Proposed to Mexico as B on 911101-Ac								
cepted by Mexico as B 920228; # 77								
KMJK	LIC	Mobley Broadcasting, Inc	295A	6	33-27-01	66.8	28.17	166
Buckeye	AZ	BLH-920724KB	106.9	93	112-35-58	246.9	-138	SHORT
DOC-90-329; Proposed to Mexico as B on 911101-Accepted by Mexico as B 920228								
KVVA-FM LIC	American Broadcasting Sy		296A	2.50	33-26-48	84.4	117.0	106
Apache Junction	AZ	BLH-841016DF	107.1	98	111-37-32	265.1	11.01	CLOSE
*To Channel 296C2 per D87-506								

Klein Broadcast Engineering
Paradise Valley, Arizona

March 15, 1993

FM Spacing study

Title: MOBLEY BROADCASTING, INC. / 295C2
Channel 295C2 (106.9 MHz)

Latitude: 33-21-03
Longitude: 112-52-41

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KVVA-FM CP	American Broadcasting Sy	296C3	25	33-26-48	84.4	117.0	117	
Apache Junction	AZ BPH-890405ID	107.1	95	111-37-32	265.1	.007	CLOSE	
From channel 296A per D87-506								
ALLDC		296C2		33-23-49	87.4	132.6	130	
Apache Junction	AZ DDC-87-506	107.1		111-27-16	268.2	2.578	CLOSE	
Site Restricted-Effective 1-12-89								
ALLDC		296B		32-38-00	247.1	200.7	170	
Ciudad Morelos	BJ	107.1		114-51-00	66.0	30.75	CLEAR	
PRM	ADD FCC	296B		34-50-36	316.5	230.4	169	
Needles	CA	107.1		114-36-54	135.6	61.43	CLEAR	
Alternate Consideration; Mexico								
PRM		297B		32-30-39	257.3	392.8	65	
Tijuana	BJ	107.3		116-57-30	75.1	327.8	CLEAR	
MX PROPSL - CHNG FR CLASS A TO B - SPEC NGT LTD TO 10KW & 200'								
ALLOC		298C		34-53-03	31.2	199.7	105	
Sedona	AZ DDC-86-102	107.5		111-44-37	211.8	94.70	CLEAR	
Filing window 04/07-05/07/87 **CLOSED** ; SITE RESTRICTED - EFFECTIVE 860406								

>> End of channel 295C2 study <<


KLEIN BROADCAST ENGINEERING

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STATE of ARIZONA)
CITY of SCOTTSDALE)
COUNTY of MARICOPA)

ss:

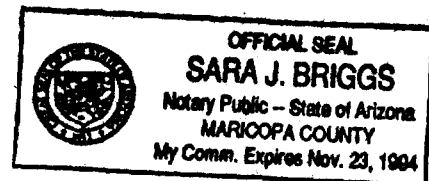
Elliott Kurt Klein, being duly sworn states, that he is a consulting broadcast engineer with offices located at 5529 East Sapphire Lane, Paradise Valley, Arizona 85253. That he has been employed in the broadcast engineering profession since 1967, and that he has prepared many different reports and applications and presented them before the Federal Communications Commission, over the past twenty-six years. That his engineering qualifications are a matter of record with the Federal Communications Commission. That he has held a valid First Class Radiotelephone Operators License since 1967. That his present license number is PG-11-21248, valid for life. That he is a member in good standing of The Society of Broadcast Engineers since 1969 (SBE). That he is a member in good standing of the Institute of Electrical and Electronic Engineers (IEEE). That the calculations and or measurements and exhibits in the accompanying report or application were made by him personally or under his supervision and direction, and that all facts contained herein are true of his own personal knowledge and belief, and on such facts or statements made on belief, they are believed to be true. He assumes no liability for any errors or omissions and shall not be liable for injuries and/or damages (including consequential) which might result from use of said information. All pages, engineering exhibits, and statements are covered under the copyright laws of the United States of America and remain the property of the client and Klein Broadcast Engineering. Any unauthorized use or reproduction is prohibited by law.



Affiant: Elliott Kurt Klein for the firm:

KLEIN BROADCAST ENGINEERING

Subscribed and sworn to before me,



this 16th day of March 19 93

Sara J. Briggs Nov. 23, 1994
Notary Public Date of Commission Expiration:

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Buckeye, Arizona)

MM Docket No.
RM-

NOTICE OF PROPOSED RULE MAKING
AND ORDER TO SHOW CAUSE

Adopted:

; Released:

1. The Commission has before it for consideration a petition for rule making filed by Mobley Broadcasting, Inc. ("Mobley"). Mobley is the licensee of KMJK, a Class A radio station currently operating on Channel 295A in Buckeye, Arizona. It requests the substitution of Channel 295C2 for its present channel and the modification of its authorization to specify operation on the higher power channel. Channel 295C2 can be allocated to Buckeye in compliance with the Commission's mileage separation and other technical requirements with a site restriction.

2. In accordance with our established policy, we shall propose to modify Mobley's authorization to specify operation on Channel 295C2. This reallocation is consistent with our action in MM Docket No. 85-313, Report and Order, FCC 86-181,

released April 29, 1986, in which we specifically noted that we will allow stations to upgrade to a newly allotted superior class of channel. While the Commission will consider any technically feasible counter-proposal filed in response to a proposed allotment, such counter-proposals may not be inconsistent with the existence of Channel 295A at Buckeye, Arizona.

3. We believe that the public interest would be served by granting the requested channel reallocation as it would provide Buckeye with its first local wide-coverage area FM service. Accordingly, we propose to amend the FM Table of Allotments, Section 73.202(b) of the Rules, for the communities listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Buckeye, Az.	295A	295C2

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated herein by reference.

5. Interested parties may file comments on or before _____ . Additionally, a copy of such comments should be served on the petitioner as follows:

Philip L. Malet, Esq.
Steptoe & Johnson
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

(Counsel to Mobley Broadcasting, Inc.)

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments in Section 73.202(b) of the Commission's Rules. See Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply To Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 Fed. Reg. 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact _____, Mass Media Bureau, (202) _____. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings such as this one, which involve channel assignments. An ex parte contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comments, to which the

reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

Attachment: Appendix